

**Exhibit #10 - “1.17.19 Letter to Arbitrators Regarding  
Procedural Impropriety and Misconduct”**



January 17, 2019

**VIA E-MAIL**

Honorable L. Paul Kehoe, Ralph S. Berger, Esq., and Howard C. Edelman, Esq.,  
c/o Michele Gomez,  
Manager of ADR Services  
AMERICAN ARBITRATION ASSOCIATION  
950 Warren Avenue  
East Providence, Rhode Island 02914

Re: Fox News Network, LLC v. Andrea Tantaros, Case No. 01-16-0001-7288:  
Objection to the Fox Parties' Retroactive Amendment to their Motion to Compel

Dear Arbitrators Kehoe, Berger, and Edelman:

On January 3, 2019, Claimant and Counterclaim-Respondent Fox News Network, LLC (“Fox”) filed a Reply in support of its Motion to Compel. Fox’s Reply was joined by Counterclaim-Respondent The Estate of Rodger Ailes (the “Estate”), and supported by a separate Reply filed by Counterclaim-Respondent William Shine (collectively with Fox and the Estate, the “Fox Parties.”) In its Reply motion, Fox attempts to retroactively amend its Motion to Compel to include a motion for spoliation sanctions against Ms. Tantaros.

Ms. Tantaros vehemently objects to this patently unfair abuse of process by Fox. The parties stipulated to and the panel approved the procedural process in this case—that the parties would propound discovery, including requests for production of documents, and after each party responded to those requests and produced the documents, the propounding party or parties could bring motions to compel further responses or document production. Then, the panel would rule on those motions to compel and afterwards the parties would move on to the deposition stage. The Fox Parties accordingly chose to bring their motion to compel. They cannot now, based on the equivalent of buyer’s remorse, bring a second round of motions via their Replies. By not bringing this procedurally impermissible ‘second bite at the apple’ motion for spoliation sanctions, the Fox Parties waived any right to bring such untimely and procedurally impermissible additional motion. Fox does not get to bring a new motion *in its Reply papers* which leaves Ms. Tantaros no legitimate opportunity to oppose and rebut the claims.

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Ms. Tantaros has incurred tens of thousands of dollars responding to a series of frivolous motions by the Fox Parties. Ms. Tantaros responded to the original and only permissible motions that the Fox Parties chose to bring. She should not be unfairly burdened with responding to untimely and impermissible motions. This panel should decisively reject this latest gamesmanship and frivolous stall tactic. Further, the panel should simply rule on the motions of the parties as originally brought and then allow the parties to move to the deposition stage as stipulated by the parties in the orders approved by the panel.

Fox's attempt to bring a new motion with new arguments in its Reply is the latest in a long line of stall tactics with the goal of preventing this matter from reaching the deposition stage of discovery. Similar to its frivolous Motion to Stay, Fox is doing everything in its power to muddy the waters and delay the inevitable depositions of its key figures. As such, Ms. Tantaros rejects the bad-faith strategy of bringing a new motion on Reply and implores the panel to do the same.

Accordingly, Ms. Tantaros respectfully requests that the panel rule on the motions to compel in the format they were originally written and submitted to the panel, only, and that it summarily deny any untimely modifications thereto contained in the reply of Fox. Ms. Tantaros further respectfully requests that the panel deny the untimely attempts at impermissible modification with prejudice and thereby, put a permanent end to this continued gamesmanship.

Sincerely,



Christian S. Molnar, Esq.